



W.P.No.13175 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.13175 of 2023

Kanniammal

.. Petitioner

Vs.

The Revenue Divisional Officer,
Arani, Thiruvannamalai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order Na.Ka.No.A4/1150/ 2023 dated 29.03.2023 on the file of the respondent and quash the same and direct the respondent to issue a community certificate to the petitioner and her child namely S.Bhuvanesh in the light of community certificate issued to the petitioner's father-in-law's brother K.Mani, certificate L.C.No.196/1976 dated 05.05.1976, his son M.Nagaraj, certificate No.194725 and father-in-law's brother Mr.Elumalai's sons namely Arunkumar and Vinothkumar community certificate dated 10.03.2011, within a stipulated time.



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For Petitioner : Mr.N.Naganathan

For Respondent : Mr.E.Vijay Anand, Addl.Govt.Pleader

ORDER

(Order of the Court was delivered by P. DHANABAL, J.)

This writ petition has been filed to quash the impugned order dated 29.03.2023 passed by the respondent, rejecting the petitioner's application to issue community Certificate (ST) to their children; and consequently, direct the respondent to issue community certificate to the petitioner's children, by taking into account their relatives community certificates.

2. The petitioner has applied for community certificate (ST) to her children's educational purpose, but it was not considered by the respondent. Hence, she filed W.P.No.30504 of 2019, and this Court by order dated 25.10.2019, has directed the respondent to pass orders on the application, by conducting enquiry, if so required. According to the petitioner, the school records of her husband, children and herself show that they belonged to Hindu Kattunayakkan community, which is classified as Schedule Tribe.

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Further, her father-in-law's brothers and their sons were also issued ST community Certificate. Since the respondent has not issued community certificate, again the petitioner has filed W.P.No.32172 of 2022 and this Court, vide order dated 2.12.2022, directed the respondent to issue community certificate to the petitioner. Subsequently, without considering the school records of the petitioner and her childrens and the community certificates issued to the relatives of the petitioner, the respondent has rejected the claim of the petitioner. Hence the writ petition.

3. Heard the counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent and also we have perused the materials on record.

4. A perusal of the impugned order shows that no enquiry was conducted by the respondent before issuing the community certificate. Further, the respondent has rejected the claim of the petitioner, mainly on the ground that, no ST community certificate was issued to her parents. Simply by saying that the petitioner is residing in the locality of



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Kalasapakkam for about 16 years and her parents are hails from Kallakurichi District and they have not obtained ST community certificate as they belonged to Kattunaikan community, the respondent has rejected the claim of the petitioner without passing reasoned order.

5. At this juncture, the learned Additional Government Pleader fairly stated that the impugned order is a non speaking order.

6. Considering the facts and circumstances of the case and also by taking into account the fact that the impugned order is a non-speaking order, we are of the view that the impugned order is liable to be quashed.

7. Accordingly, it is ordered as follows.

i) The impugned order dated 29.03.2023 passed by the respondent is quashed and the matter is remitted back to the respondent for passing fresh orders, in accordance with law.

ii) The respondent is directed to conduct fresh enquiry, based on the documents submitted by the petitioner and pass orders, preferably, within a



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period of four weeks from the date of receipt of a copy of this order, after providing opportunity to the petitioner.

8. With the above direction, this writ petition is disposed of. No costs.

(D.K.K.J.) (P.D.B.J.)
22.06.2023
(1/2)

Internet: Yes/No
Index : Yes/No
mst

To

The Revenue Divisional Officer,
Arani, Thiruvannamalai District.



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and

P. DHANABAL, J.

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